

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-8 and 13-15 are withdrawn from consideration and claim 16 has been added. Claims 1-16 are pending in the application. Applicant submits that the pending claims should be allowed as discussed below.

Abstract of the application is objected to because of informalities. Claims 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. (US Patent Application Publication No. 2002/0105669; hereinafter “Watanabe”).

I. Objection to the Specification

The Examiner objects to the Abstract of the application on the ground that the Abstract is two paragraphed and has more than 150 words.

In order to overcome the objection, Applicant has amended the Abstract to delete “e.g., where images file(s)...automatically carried our thereat,” from the first paragraph of the Abstract and to be in one paragraph form as shown in the Amendment.

Accordingly, the Examiner is respectfully requested to withdraw the objection to the specification.

II. Claim Rejections under 35 U.S.C. § 103

The Examiner rejects claims 9-12 as being unpatentable over Watanabe. Specifically, the Examiner alleges that FIG. 2 and paragraphs [0028]¹ and [0109]-[0114] of Watanabe disclose the print instruction means and cancellation means of claim 9. In addition, although the Examiner concedes Watanabe as failing to disclose “requesting cancellation of printing in units of pages at the printer such that printing continues until page currently being printed in complete,” recited in claim 9, the Examiner contends that the missing element is well known in the art without providing any documentary evidence (page 3 of the Office Action). Applicant respectfully traverses the rejection as set forth below.

One aspect of the present invention relates to a host apparatus creating print data for a printer. An exemplary host apparatus issues a page cancellation request to a printer, in the event that a predefined print cancellation condition occurs, for requesting a cancellation of printing in unit of pages such that a printing process continues until printing of a page currently being printed is completed (e.g. page 15, lines 10-23, page 17, lines 15-21; S8 in FIG. 6, S42 in FIG. 8).

Claim 9 of the application is directed to “[a] host apparatus creating print data to be sent to a printer” and recites as follows (emphasis added):

print instruction means for sending the print data to the printer and causing printing; and

cancellation means for, in the event that a prescribed print cancellation condition exists, requesting cancellation of printing in units of pages at the printer such that printing continues until printing of a page currently being printed is completed.

¹ Although the Examiner cites paragraph [0028], it appears that the Examiner intended to refer to paragraph [0078].

In alleged support of the rejection of claim 9, the Examiner cites Watanabe (paragraphs [0109] to [0114]) as disclosing the claimed cancellation means for requesting cancellation of printing in the unit of pages at the printer in the event that a prescribed print cancellation condition exists.

Watanabe, however, does not disclose “requesting cancellation of printing in the units of pages at the printer,” as recited in claim 9. Watanabe discloses resuming printing in a printing system (FIG. 7). The portion of Watanabe that the Examiner relies on teaches interrupt and resuming of printing of a printer when the capacity of a battery of a camera reduces to a certain level and then a power supply is exchanged to activate the camera. With regard to the interrupt of printing, Watanabe merely states that the printer halts a printing process when it does not receive data during a print data reception process (paragraph [0114]). Thus, the cited portion of Watanabe does not teach “requesting a cancellation of printing in units of pages,” as recited in claim 9.

Meanwhile, Applicant notes that Watanabe describes that a print interrupt instruction is delayed until printing of one sheet is completed at a printer (paragraph [024]). The description, however, does not teach that a host requests a printer to cancel printing operation of the printer in units of pages and to continue printing of the printer until printing of a page currently being printed is completed as required in claim 9. Rather, Watanabe merely teaches the timing of when a camera issues a print interruption to a printer. Thus, there is no disclosure that the issued interrupt instruction is used to request the printer to cancel the printing in units of pages.

The Examiner correctly recognizes that Watanabe fails to disclose “requesting cancellation of printing in units of pages at the printer such that printing continues until printing of a page currently being printed is completed,” as recited in claim 9.

Applicant, however, respectfully submits that the Examiner is incorrect in contending that it is well known in the art that “when requesting cancellation of printing has already sent to the printer, printing continues until pages currently being printed is completed” in the rejection of claim 9.

In the Office Action, the Examiner attempts to use an Official Notice by asserting the missing element as well known in the art without any documentary evidence. As MPEP § 2144.03 (A) clearly states, however, such official notice should not be taken where the facts asserted to be well-known are not “capable of instant and unquestionable demonstration as being well-known.” Further, MPEP § 2144.03 (B) expressly requires that the line of reasoning underlying such notice must be clear and unmistakable and that the Office Action should provide specific factual findings predicated on sound technical and scientific reasoning to support the conclusion of common knowledge.

It is noted that the Office action merely states that the printing continues when cancellation of printing has already sent to the printer. However, as disclosed in the technical background of the application, a printer may terminate printing partway through a page as a result of a request to cancel printing (e.g., page 2). In addition, it should be noted that even Watanabe, which the Examiner relies on, teaches “incomplete printing of one page,” e.g., when a printing is halted, one sheet of recording on which printing is incomplete is discharged (paragraph [0031]). Thus, Applicant submits that the Examiner’s assertion does not meet the requirements of MPEP and is not a clear and unmistakable reasoning.

Accordingly, Applicant respectfully traverses the Examiner’s assertion and requests the Examiner to provide documentary evidence supporting the assertion that it is well known in the

art to continue printing until completion of printing a page currently being printed at the receipt of a cancellation request.

Therefore, Applicant submits that claim 9 is patentable over Watanabe because the Examiner fails to establish prima facie case of obviousness.

Dependent claims 10-12 should be allowable at least by virtue of their dependencies on claim 9.

New Claim


By this Amendment, Applicant has added a new claim 16 reciting “a page cancellation request instructs a printer to cancel printing of the printer in units of pages so as to continue printing of a page currently being printed until completion of the printing of the page.” Support for the amendment may be found at least in page 15, lines 14-23 of the specification. No new matter has been introduced. Applicant respectfully submits that claim 16 should be allowed at least the reasons similar to those submitted with respect to claim 9.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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